

Senate File 399

S-3143

1 Amend Senate File 399 as follows:

2 1. Page 9, after line 20 by inserting:

3 <DIVISION \_\_\_\_

4 PRIMARY RUNOFF ELECTIONS

5 Sec. \_\_\_\_ . Section 43.52, Code 2017, is amended to  
6 read as follows:

7 **43.52 Nominees for county office.**

8 1. a. The nominee of each political party for  
9 any office to be filled by the voters of the entire  
10 county, or for the office of county supervisor elected  
11 from a district within the county, shall be the person  
12 receiving the highest number of votes cast in the  
13 primary election by the voters of that party for the  
14 office, and that person shall appear as the party's  
15 candidate for the office on the general election  
16 ballot.

17 b. If no candidate receives thirty-five  
18 percent or more of the votes cast by voters of the  
19 candidate's party for the office sought, the primary  
20 is inconclusive and the nomination shall be made as  
21 provided by ~~section 43.78, subsection 1, paragraphs "d"~~  
22 ~~and "e",~~ subsection 3.

23 2. When two or more nominees are required, as  
24 in the case of at-large elections, the nominees  
25 shall likewise be the required number of persons who  
26 receive the ~~greatest~~ highest number of votes cast in  
27 the primary election by the voters of the nominating  
28 party, but no candidate is nominated who fails to  
29 receive thirty-five percent of the number of votes  
30 found by dividing the number of votes cast by voters  
31 of the candidate's party for the office in question by  
32 the number of persons to be elected to that office.  
33 If the primary is inconclusive under this ~~paragraph~~  
34 subsection, the necessary number of nominations shall  
35 be made as provided by ~~section 43.78, subsection 1,~~

1 paragraphs ~~"d"~~ and ~~"e"~~, subsection 3.

2 3. a. A primary runoff election shall be held only  
3 for nominations unfilled because the primary election  
4 is inconclusive under subsection 1 or 2.

5 (1) When one nominee is required for an office, the  
6 two candidates who received the highest number of votes  
7 cast for that nomination in the primary election shall  
8 be the candidates in the primary runoff election.

9 (2) When two or more nominees are required for  
10 an office and the necessary number of nominations  
11 cannot be made pursuant to subsection 2, the number  
12 of candidates in the primary runoff election shall  
13 equal one more than the necessary number of nominations  
14 remaining unfilled. The candidates in the primary  
15 runoff election shall be the remaining candidates  
16 who received the highest number of votes cast in the  
17 primary election but who did not receive at least  
18 thirty-five percent of the votes cast in the primary  
19 election.

20 b. Primary runoff elections shall be held on  
21 the first Tuesday after the first Monday in August  
22 following the primary election and shall, insofar as  
23 practicable, be conducted and the results canvassed in  
24 the same manner as primary elections.

25 c. The candidates equal in number to the necessary  
26 number of nominations remaining unfilled who receive  
27 the highest number of votes cast by the voters of the  
28 nominating party shall be the nominees of that party  
29 for that office in the general election.

30 d. The fact that the candidate who receives the  
31 highest number of votes cast for any party's nomination  
32 for an office under this subsection is a person whose  
33 name was not printed on the official primary runoff  
34 election ballot shall not affect the validity of the  
35 person's nomination as a candidate for that office in

1 the general election.

2 Sec. \_\_\_\_ . Section 43.65, Code 2017, is amended to  
3 read as follows:

4 **43.65 Who nominated.**

5 1. The candidate of each political party for  
6 nomination for each office to be filled by the voters  
7 of the entire state, and for each seat in the United  
8 States house of representatives, the Iowa house of  
9 representatives and each seat in the Iowa senate  
10 which is to be filled, who receives the highest number  
11 of votes cast by the voters of that party for that  
12 nomination shall be the candidate of that party for  
13 that office in the general election. However, if there  
14 are more than two candidates for any nomination and  
15 none of the candidates receives thirty-five percent  
16 or more of the votes cast by voters of that party for  
17 that nomination, the primary is inconclusive and the  
18 nomination shall be made as provided by ~~section 43.78,~~  
19 ~~subsection 1, paragraph "a", "b" or "c", whichever is~~  
20 ~~appropriate~~ subsection 2.

21 2. a. A primary runoff election shall be held only  
22 for nominations unfilled because the primary election  
23 is inconclusive under subsection 1. The two candidates  
24 who received the highest number of votes cast for  
25 that nomination in the primary election shall be the  
26 candidates in the primary runoff election.

27 b. Primary runoff elections shall be held on  
28 the first Tuesday after the first Monday in August  
29 following the primary election and shall, insofar as  
30 practicable, be conducted and the results canvassed in  
31 the same manner as primary elections.

32 c. The candidate in the primary runoff election who  
33 receives the highest number of votes cast by the voters  
34 of the nominating party shall be the nominee of that  
35 party for that office in the general election.

1 d. The fact that the candidate who receives the  
2 highest number of votes cast for any party's nomination  
3 for an office under this subsection is a person whose  
4 name was not printed on the official primary runoff  
5 election ballot shall not affect the validity of the  
6 person's nomination as a candidate for that office in  
7 the general election.

8 Sec. \_\_\_\_ . Section 43.66, Code 2017, is amended to  
9 read as follows:

10 **43.66 Write-in candidates.**

11 The fact that the candidate who receives the highest  
12 number of votes cast for any party's nomination for an  
13 office to which [section 43.52](#) or [43.65](#) is applicable  
14 is a person whose name was not printed on the official  
15 primary election ballot shall not affect the validity  
16 of the person's nomination as a candidate for that  
17 office in the general election. However, if there  
18 is no candidate on the official primary ballot of a  
19 political party for nomination to a particular office,  
20 a write-in candidate may obtain the party's nomination  
21 to that office in the primary if the candidate receives  
22 a number of votes equal to at least thirty-five  
23 percent of the total vote cast for all of that party's  
24 candidates for that office in the last preceding  
25 primary election for which the party had candidates  
26 on the ballot for that office. If there have been no  
27 candidates from a political party for a seat in the  
28 general assembly since the most recent redistricting  
29 of the general assembly, a write-in candidate shall be  
30 considered nominated who receives a number of votes  
31 equal to at least thirty-five percent of the total  
32 votes cast, at the last preceding primary election in  
33 the precincts which currently constitute the general  
34 assembly district, for all of that party's candidates  
35 for representative in the Congress of the United States

1 or who receives at least one hundred votes, whichever  
2 number is greater. When two or more nominees are  
3 required, the division procedure prescribed in section  
4 43.52, subsection 2, shall be applied to establish  
5 the minimum number of write-in votes necessary for  
6 nomination. If the primary is inconclusive, the  
7 necessary nominations shall be made in accordance with  
8 ~~section 43.78, subsection 1~~ 43.52, subsection 3, or  
9 section 43.65, subsection 2, as applicable.

10 Sec. \_\_\_\_\_. Section 43.67, subsection 1, Code 2017,  
11 is amended to read as follows:

12 1. Each candidate nominated pursuant to section  
13 43.52 or 43.65 is entitled to have the candidate's  
14 name printed on the official ballot to be voted at the  
15 general election without other certificate unless the  
16 candidate was nominated by write-in votes. Immediately  
17 after the completion of the canvass for the primary  
18 election held under section 43.49, the county auditor  
19 shall notify each person who was nominated by write-in  
20 votes for a county office that the person is required  
21 to file an affidavit of candidacy if the person wishes  
22 to be a candidate for that office at the general  
23 election. Immediately after the completion of the  
24 canvass for the primary election held under section  
25 43.63, the secretary of state shall notify each person  
26 who was nominated by write-in votes for a state or  
27 federal office that the person is required to file  
28 an affidavit of candidacy if the person wishes to be  
29 a candidate for that office at the general election.  
30 If a person receives enough votes to be placed on a  
31 primary runoff election ballot, the county commissioner  
32 of elections or the state commissioner of elections,  
33 as appropriate, shall immediately after the canvass  
34 of the primary election notify the person that the  
35 person is required to file an affidavit of candidacy

1 if the person wishes to be a candidate for nomination  
2 to that office at the primary runoff election. If the  
3 affidavit is not filed by 5:00 p.m. on the seventh  
4 day after the completion of the canvass, that person's  
5 name shall not be placed upon the official general  
6 election ballot or the primary election runoff ballot,  
7 as applicable. The affidavit shall be signed by the  
8 candidate, notarized, and filed with the county auditor  
9 or the secretary of state, whichever is applicable.

10 Sec. \_\_\_\_\_. Section 43.67, subsection 2, paragraph f,  
11 Code 2017, is amended to read as follows:

12 *f.* A declaration that if the candidate is elected  
13 to the office sought the candidate will qualify by  
14 taking the oath of office.

15 Sec. \_\_\_\_\_. Section 43.77, subsection 2, Code 2017,  
16 is amended to read as follows:

17 2. The primary election was inconclusive as to that  
18 office because no candidate for the party's nomination  
19 for that office received the number of votes required  
20 by ~~section 43.52,~~ section 43.53, or ~~43.65,~~ whichever is  
21 applicable.

22 Sec. \_\_\_\_\_. IMPLEMENTATION OF ACT. Section 25B.2,  
23 subsection 3, shall not apply to this division of this  
24 Act.>

25 2. Title page, line 3, after <voting,> by inserting  
26 <primary runoff election requirements,>

27 3. By renumbering as necessary.

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TOD R. BOWMAN